

FEB 06 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kelli Hodge Kennedy et al. Examiner: Firmin Backer
Serial No.: 09/782,765 Group Art Unit: 3621
Filed: February 13, 2001 Docket No.: 10005680-1
Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH
CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

CERTIFICATE OF TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following papers are being facsimile transmitted to the U.S.
Patent and Trademark Office, Fax No.: (571) 273-8300 on the date shown below:

1. Transmittal of Appeal Brief (1 pg.);
2. Appeal Brief Under 37 C.F.R. § 41.37 (20 pgs.);

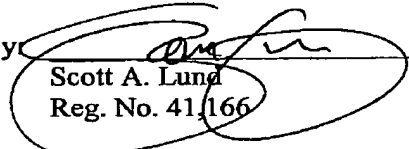
Respectfully submitted,

Kelli Hodge Kennedy et al.,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

Date: FEB. 6, 2006
SAL:jan

By


Scott A. Lund
Reg. No. 41,166

22 PAGES – INCLUDING COVER PAGE

RECEIVED
CENTRAL FAX CENTER

FEB 06 2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10005680-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kelli Hodge Kennedy et al.

Confirmation No.: 9673

Application No.: 09/782,765

Examiner: Firmin Backer

Filing Date: February 13, 2001

Group Art Unit: 3621

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES
MANAGEMENT

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on January 18, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit:

OR

☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

Date of facsimile: February 6, 2006

Typed Name: Scott A. Lund

Signature: [Signature]

Respectfully submitted,

Kelli Hodge Kennedy et al.

By [Signature]

Scott A. Lund

Attorney/Agent for Applicant(s)

Reg No.: 41,166

Date: February 6, 2006

Telephone: (612) 573-2006

Rev 10/05 (Ap1Brief)

RECEIVED
CENTRAL FAX CENTER

FEB 06 2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10005680-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kelli Hodge Kennedy et al.

Confirmation No.: 9673

Application No.: 09/782,765

Examiner: Firmin Backer

Filing Date: February 13, 2001

Group Art Unit: 3621

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES
MANAGEMENTMail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on January 18, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit:

OR

☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

Date of facsimile: February 6, 2006

Typed Name: Scott A. Lund

Signature: 

Respectfully submitted,

Kelli Hodge Kennedy et al.

By 

Scott A. Lund

Attorney/Agent for Applicant(s)

Reg No. : 41,166

Date : February 6, 2006

Telephone : (612) 573-2006

Rev 10/05 (ApI Brief)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

Applicant:	Kelli Hodge Kennedy et al.	Examiner:	Firmin Backer
Serial No.:	09/782,765	Group Art Unit:	3621
Filed:	February 13, 2001	Docket:	10005680-1
Title:	DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER
FEB 06 2006

Dear Sir/Madam:

This Appeal Brief is submitted in support of the Notice of Appeal filed January 18, 2006, appealing the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 of the above-identified application as set forth in the Final Office Action mailed October 18, 2005.

The U.S. Patent and Trademark Office is hereby authorized to charge **Deposit Account No. 08-2025** in the amount of **\$500.00** for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. § 41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

Appellant respectfully requests consideration and reversal of the Examiner's rejection of pending claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30.

02/08/2006 WARDELRI 00000009 082025 09782765
01 FC:1402 500.00 DA

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT
SERVICES MANAGEMENT

TABLE OF CONTENTS

Real Party in Interest.....	3
Related Appeals and Interferences.....	3
Status of Claims	3
Status of Amendments	3
Summary of The Claimed Subject Matter	3
Grounds of Rejection to be Reviewed on Appeal.....	6
Argument	6
Conclusion	12
Claims Appendix	13
Evidence Appendix.....	19
Related Proceedings Appendix.....	20

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

STATUS OF CLAIMS

Claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 are pending in the application (see Claims Appendix), and are the subject of the present Appeal.

Claims 1, 9, 10, 12, 19, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Straub et al. U.S. Patent No. 6,216,141.

STATUS OF AMENDMENTS

No amendments have been entered subsequent to the Final Office Action mailed October 18, 2005. The claims listed in the Claims Appendix, therefore, reflect the claims as of October 18, 2005.

SUMMARY OF THE CLAIMED SUBJECT MATTER

One aspect of the present invention, as claimed in independent claim 1, provides a method of distributing a document (12) of a document provider (14), with the document including at least one of textural and graphical information. The method includes registering document distribution services (24) of a plurality of document distribution providers (22) with a document distribution system controller (26), the document distribution services

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

including at least one of print services (241), electronic mail services (242), and print publishing services (243); receiving a distribution request (36) for the document from the document provider at the document distribution system controller; compiling a list of distribution options (40) for the document with the document distribution system controller based on the document distribution services of the document distribution providers; and presenting the list of distribution options for the document to the document provider (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 9, provides a computer-readable medium having computer-executable instructions for performing a method of distributing a document (12) of a document provider (14), with the document including at least one of textural and graphical information. The method includes registering document distribution services (24) of a plurality of document distribution providers (22), the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); receiving a distribution request (36) for the document from the document provider; compiling a list of distribution options (40) for the document based on the document distribution services of the document distribution providers; and presenting the list of distribution options for the document to the document provider (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 10, provides a system for distributing a document (12) of a document provider (14), with the document including at least one of textural and graphical information. The system includes a memory device (28) configured to have document distribution services (24) of a plurality of document distribution providers (22) stored therein, the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); a processor (27) adapted to compile a list of distribution options (40) for the document based on the document distribution services of the document distribution providers; and a user interface (42) configured to present the list of distribution options for the document to the document provider (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; and Figs. 1-4).

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

One aspect of the present invention, as claimed in independent claim 19, provides a method of managing document distribution services (24) of a plurality of document distribution providers (22). The method includes registering the document distribution services of the document distribution providers with a document distribution system controller (26), the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); presenting the document distribution services to a document provider (14) having a document (12), the document including at least one of textural and graphical information; and receiving a distribution selection (54) for the document from the document provider at the document distribution system controller, the distribution selection specifying at least one document distribution service of the document distribution services (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 26, provides a computer-readable medium having computer-executable instructions for performing a method of managing document distribution services (24) of a plurality of document distribution providers (22). The method includes registering the document distribution services of the document distribution providers, the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); presenting the document distribution services to a document provider (14) having a document (12), the document including at least one of textural and graphical information; and receiving a distribution selection (54) for the document from the document provider, the distribution selection specifying at least one document distribution service of the document distribution services (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 27, provides a system for managing document distribution services (24). The system includes a document distribution system controller (26) configured to have the document distribution services registered therewith, the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243), wherein the document distribution system controller is adapted to present the document distribution services to a document provider (14) having a document (12), the document including at least

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

one of textural and graphical information, and wherein the document distribution system controller is adapted to receive a distribution selection (54) for the document from the document provider, the distribution selection specifying at least one document distribution service of the document distribution services (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; and Figs. 1-4).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the objection to the Amendment filed on August 2, 2005 under 35 U.S.C. 132(a) as introducing new matter into the disclosure. Appellant notes that where the alleged new matter is introduced into or affects the claims, the question becomes an appealable one. See MPEP 608.04(c). *[Appellant also notes that the most recent Amendment was filed on May 4, 2005, and that no other Amendments have been filed subsequent to this date. Appellant, therefore, assumes that the Examiner is referring to the Amendment filed on May 4, 2005.]*

Appellant seeks review of the rejection of claims 1, 9, 10, 12, 19, 26, and 27 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appellant seeks review of the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. 102(e) as being anticipated by Straub et al. U.S. Patent No. 6,216,141.

ARGUMENT**I. Objection under 35 U.S.C. §132(a)****A. Applicable Law**

35 U.S.C. 132(a) states that "[n]o amendment shall introduce new matter into the disclosure of the invention." Appellant notes, however, that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter." MPEP 2163.06.

B. Objection to Amendment under 35 U.S.C. §132(a) as introducing new matter into the disclosure

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

Appellant submits that the Amendment filed on May 4, 2005 does not introduce new matter into the disclosure and submits that the material of "presenting...the document provider" is supported by the original disclosure. More specifically, with respect to the limitation of "presenting the list of distribution options for the document to the document provider" as included in claims 1 and 9, the limitation of "present the list of distribution options for the document to the document provider" as included in claims 10 and 12, the limitation of "presenting the document distribution services to a document provider" as included in claims 19 and 26, and the limitation of "present the document distribution services to a document provider" as included in claim 27, Appellant submits that this material is supported by the original disclosure.

For example, per Fig. 1 of the originally filed drawings, the user 14 is the party providing the document 12 to the system. Thus, user 14 is "the document provider." As such, per Fig. 3 of the originally filed drawings, with distribution options list 40 for the document being presented to user 14, the list of distribution options and, therefore, available document distribution services for the document are "presented to the document provider." See also Fig. 7. The original disclosure, therefore, does provide support for the limitations "presenting/present the list of distribution options for the document to the document provider" and the limitations "presenting/present the document distribution services to a document provider."

Appellant, therefore, respectfully submits that the objection under 35 U.S.C. 132(a) is not correct and should be withdrawn.

II. Rejection under 35 U.S.C. §112, second paragraph**A. Applicable Law**

35 U.S.C. 112, second paragraph, states that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

B. Rejection of claims 1, 9, 10, 12, 19, 16, and 27 under 35 U.S.C. §112, second paragraph

As claims 1, 9, 10, 12, 19, 26, and 27 do provide sufficient antecedent basis for each of the limitations recited therein, the rejection of claims 1, 9, 10, 12, 19, 26, and 27 under 35

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and, more specifically, that there is insufficient antecedent basis for the limitation "presenting...to the document provider" in claims 1, 9, 10, 12, 19, 26, and 27, is not correct and should be withdrawn.

With respect to claims 1, 9, 10, and 12, Appellant submits that each of these claims do provide sufficient antecedent basis for the limitation "presenting...to the document provider." For example, the limitation of claim 1 recites, in full, "presenting the list of distribution options for the document to the document provider." Appellant notes that sufficient antecedent basis is provided within the claim itself for each of the phrases of this limitation. More specifically, antecedent basis for the phrase "the list of distribution options" is provided in line 9 of claim 1 (viz., "a list of distribution options"), antecedent basis for the phrase "the document" is provided in line 1 of claim 1 (viz., "a document"), and antecedent basis for the phrase "the document provider" is provided in line 1 of claim 1 (viz., "a document provider"). Regarding claims 9, 10, and 12, similar to that outlined above with regard to claim 1, Appellant notes that sufficient antecedent basis is provided within each of these claims themselves for each of the phrases of the respective limitations. cf. MPEP 2173.05(e) and MPEP 706.03(d)(Form Paragraph 7.34.05).

With respect to claims 19, 26, and 27, Appellant notes that none of these claims include the limitation "presenting...to the document provider." For example, claims 19 and 26 include the limitation "presenting the document distribution services to a document provider." As such, Appellant notes that sufficient antecedent basis for the phrase "the document distribution services" is provided within each of the respective claims.

Appellant, therefore, respectfully submits that the rejection of claims 1, 9, 10, 12, 19, 26, and 27 under 35 U.S.C. 112, second paragraph, is not correct and should be withdrawn.

III. Rejection Under 35 U.S.C. §102**A. Applicable Law**

To anticipate a claim under 35 U.S.C. 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

forth in the claim is found, either expressly or inherently described, in a single prior art reference").

B. Rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. §102(e)

Because the Straub et al. U.S. Patent No. 6,216,141 fails to teach each and every element of the claims, the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. 102(e) is not correct and should be withdrawn.

Independent claim 1 is directed to a method of distributing a document of a document provider, and includes receiving a distribution request for the document from the document provider at the document distribution system controller and presenting the list of distribution options for the document to the document provider, with the document distribution services including at least one of print services, electronic mail services, and print publishing services.

Independent claim 9 is directed to a computer-readable medium having computer-executable instructions for performing a method of distributing a document of a document provider, and includes receiving a distribution request for the document from the document provider and presenting the list of distribution options for the document to the document provider, with the document distribution services including at least one of print services, electronic mail services, and print publishing services.

Independent claim 10 is directed to a system for distributing a document of a document provider, and includes a user interface configured to present the list of distribution options for the document to the document provider, with the document distribution services including at least one of print services, electronic mail services, and print publishing services.

Independent claim 19 is directed to a method of managing document distribution services of a plurality of document distribution providers, and includes presenting the document distribution services to a document provider having a document and receiving a distribution selection for the document from the document provider at the document distribution system controller, with the document distribution services including at least one of print services, electronic mail services, and print publishing services.

Independent claim 26 is directed to a computer-readable medium having computer-executable instructions for performing a method of managing document distribution services

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

of a plurality of document distribution providers, and includes presenting the document distribution services to a document provider having a document and receiving a distribution selection for the document from the document provider, with the document distribution services including at least one of print services, electronic mail services, and print publishing services.

Independent claim 27 is directed to a system for managing document distribution services, wherein the document distribution system controller is adapted to present the document distribution services to a document provider having a document, and wherein the document distribution system controller is adapted to receive a distribution selection for the document from the document provider, with the document distribution services including at least one of print services, electronic mail services, and print publishing services.

Independent claims 1, 9, 10, 19, 26, and 27, therefore, each recite that the document is that of a document provider such that the user of the method or the system is the document provider wherein the document provider is presented with and/or makes a selection of distribution options for the document. In addition, independent claims 1, 9, 10, 19, 26, and 27 each recite that the document distribution services include at least one of print services, electronic mail services, and print publishing services.

The Straub et al. patent discloses a system and method for displaying a rich multimedia document in the same window as a desktop window wherein a client computer connects to a computer network and retrieves a channel guide or list of content providers from which a user can select one or more content providers such that the client computer retrieves a document associated with a content provider selected from the channel guide whereby the document is integrated into the desktop window on the client computer (see Abstract). As such, the one or more content providers of the Straub et al. patent is the party providing the document, while the user of the system and method of the Straub et al. patent is the party that merely selects the one or more content providers and the desired document preferences (see, e.g., col. 3, lines 18-35).

The user of the system and method of the Straub et al. patent, however, is not the party providing the document nor is the one or more content providers of the Straub et al. patent (viz., the party that is providing the document) presented with or select distribution options for the document. As such, the one or more content providers of the Straub et al.

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

patent cannot be considered a document provider as recited in independent claims 1, 9, 10, 19, 26, and 27 because the one or more content providers of the Straub et al. patent are not presented with nor do they make a selection of distribution options for the document.

Alternatively, the actual user of the system and method of the Straub et al. patent cannot be considered a document provider as recited in independent claims 1, 9, 10, 19, 26, and 27 because the user of the system and method of the Straub et al. patent is not the party providing the document. Accordingly, neither the user of the system and method of the Straub et al. patent nor the one or more content providers of the Straub et al. patent constitute a document provider as recited in independent claims 1, 9, 10, 19, 26, and 27.

In addition, the Straub et al. patent merely displays the document in the desktop window. The Straub et al. patent, however, does not provide document distribution services including at least one of print services, electronic mail services, and print publishing services for the document as recited in independent claims 1, 9, 10, 19, 26, and 27.

For at least the reasons set forth above, Appellant submits that the Straub et al. patent does not teach or suggest each and every element of independent claims 1, 9, 10, 19, 26, and 27. Accordingly, Appellant submits that independent claims 1, 9, 10, 19, 26, and 27 are each patentably distinct from the Straub et al. patent. Furthermore, as dependent claims 3-7 further define patentably distinct claim 1, dependent claims 12-17 further define patentably distinct claim 10, dependent claims 21 and 23-25 further define patentably distinct claim 19, and dependent claims 29 and 30 further define patentably distinct claim 27, Appellant submits that these dependent claims are also patentably distinct from the Straub et al. patent. Appellant, therefore, respectfully submits that the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. 102(e) is not correct and should be withdrawn, and that claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 should be allowed.

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Appeal Brief should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

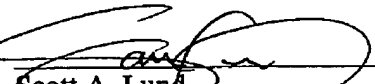
Respectfully submitted,

Kelli Hodge Kennedy et al.

By,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

Dated: FEB. 6, 2006
SAL:jan



Scott A. Lund
Reg. No. 41,166

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 6th day of February, 2006.

By 

Name: Scott A. Lund

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

CLAIMS APPENDIX

1. (Previously Presented) A method of distributing a document of a document provider, the document including at least one of textural and graphical information, the method comprising:

registering document distribution services of a plurality of document distribution providers with a document distribution system controller, the document distribution services including at least one of print services, electronic mail services, and print publishing services;

receiving a distribution request for the document from the document provider at the document distribution system controller;

compiling a list of distribution options for the document with the document distribution system controller based on the document distribution services of the document distribution providers; and

presenting the list of distribution options for the document to the document provider.

2. (Cancelled)

3. (Previously Presented) The method of claim 1, further comprising:

linking the document provider and the document distribution system controller via a communication network, wherein receiving the distribution request includes receiving the distribution request for the document from the document provider via the communication network, and wherein presenting the list includes presenting the list of distribution options for the document to the document provider via the communication network.

4. (Previously Presented) The method of claim 1, further comprising:

receiving a distribution selection for the document from the document provider, the distribution selection including at least one distribution option from the list of distribution options.

5. (Previously Presented) The method of claim 4, further comprising:

receiving a data file for the document from the document provider; and

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

distributing the data file for the document to at least one of the document distribution providers offering the at least one distribution option.

6. (Previously Presented) The method of claim 5, further comprising:

linking the document provider and the document distribution providers via a communication network, wherein receiving the distribution selection includes receiving the distribution selection for the document from the document provider via the communication network, wherein receiving the data file includes receiving the data file for the document from the document provider via the communication network, and wherein distributing the data file includes distributing the data file for the document to the at least one of the document distribution providers via the communication network.

7. (Previously Presented) The method of claim 5, further comprising:

converting the data file for the document to a predetermined file format.

8. (Cancelled)

9. (Previously Presented) A computer-readable medium having computer-executable instructions for performing a method of distributing a document of a document provider, the document including at least one of textural and graphical information, the method comprising:

registering document distribution services of a plurality of document distribution providers, the document distribution services including at least one of print services, electronic mail services, and print publishing services;

receiving a distribution request for the document from the document provider;

compiling a list of distribution options for the document based on the document distribution services of the document distribution providers; and

presenting the list of distribution options for the document to the document provider.

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: **DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT**

10. (Previously Presented) A system for distributing a document of a document provider, the document including at least one of textural and graphical information, the system comprising:

a memory device configured to have document distribution services of a plurality of document distribution providers stored therein, the document distribution services including at least one of print services, electronic mail services, and print publishing services; and

a processor adapted to compile a list of distribution options for the document based on the document distribution services of the document distribution providers; and

a user interface configured to present the list of distribution options for the document to the document provider.

11. (Cancelled)

12. (Previously Presented) The system of claim 10, wherein the memory device and the processor are included in a document distribution system controller, wherein the document distribution system controller is adapted to receive a distribution request for the document from the document provider and present the list of distribution options for the document to the document provider.

13. (Previously Presented) The system of claim 12, further comprising:

a communication network configured to link the document distribution system controller and the document provider, wherein the document distribution system controller is adapted to receive the distribution request for the document from the document provider via the communication network and present the list of distribution options for the document to the document provider via the communication network.

14. (Previously Presented) The system of claim 12, wherein the document distribution system controller is adapted to receive a distribution selection for the document from the document provider, the distribution selection including at least one distribution option from the list of distribution options for the document.

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

15. (Previously Presented) The system of claim 14, wherein the document distribution system controller is adapted to receive a data file for the document from the document provider and distribute the data file for the document to at least one of the document distribution providers offering the at least one distribution option.

16. (Original) The system of claim 15, wherein the document distribution system controller is adapted to convert the data file to a predetermined file format.

17. (Previously Presented) The system of claim 15, further comprising:
a communication network configured to link the document distribution system controller, the document provider, and the document distribution providers, wherein the document distribution system controller is adapted to receive the data file for the document from the document provider via the communication network and distribute the data file for the document to the at least one of the document distribution providers via the communication network.

18. (Cancelled)

19. (Previously Presented) A method of managing document distribution services of a plurality of document distribution providers, the method comprising:

registering the document distribution services of the document distribution providers with a document distribution system controller, the document distribution services including at least one of print services, electronic mail services, and print publishing services;

presenting the document distribution services to a document provider having a document, the document including at least one of textural and graphical information; and

receiving a distribution selection for the document from the document provider at the document distribution system controller, the distribution selection specifying at least one document distribution service of the document distribution services.

20. (Cancelled)

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

21. (Previously Presented) The method of claim 19, wherein presenting the document distribution services includes compiling a list of distribution options for the document based on the document distribution services and presenting the list of distribution options for the document to the document provider.
22. (Cancelled)
23. (Previously Presented) The method of claim 19, further comprising:
linking the document distribution providers and the document distribution system controller via a communication network, wherein registering the document distribution services includes registering the document distribution services with the document distribution system controller via the communication network.
24. (Previously Presented) The method of claim 19, further comprising:
managing the document distribution services at the document distribution system controller, including receiving a management instruction for the document distribution services at the document distribution system controller.
25. (Previously Presented) The method of claim 24, further comprising:
linking a system administrator and the document distribution system controller via a communication network, wherein receiving the management instruction includes receiving the management instruction for the document distribution services at the document distribution system controller from the system administrator via the communication network.
26. (Previously Presented) A computer-readable medium having computer-executable instructions for performing a method of managing document distribution services of a plurality of document distribution providers, the method comprising:
registering the document distribution services of the document distribution providers, the document distribution services including at least one of print services, electronic mail services, and print publishing services;

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

presenting the document distribution services to a document provider having a document, the document including at least one of textural and graphical information; and receiving a distribution selection for the document from the document provider, the distribution selection specifying at least one document distribution service of the document distribution services.

27. (Previously Presented) A system for managing document distribution services, the system comprising:

a document distribution system controller configured to have the document distribution services registered therewith, the document distribution services including at least one of print services, electronic mail services, and print publishing services,

wherein the document distribution system controller is adapted to present the document distribution services to a document provider having a document, the document including at least one of textural and graphical information, and

wherein the document distribution system controller is adapted to receive a distribution selection for the document from the document provider, the distribution selection specifying at least one document distribution service of the document distribution services.

28. (Cancelled)

29. (Original) The system of claim 27, wherein the document distribution system controller is adapted to receive a management instruction for the document distribution services from a system administrator.

30. (Original) The system of claim 29, further comprising:

a communication network configured to link the document distribution system controller and the system administrator, wherein the document distribution system controller is adapted to receive the management instruction from the system administrator via the communication network.

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT
SERVICES MANAGEMENT

EVIDENCE APPENDIX

None.

Appeal Brief to the Board of Patent Appeals and Interferences

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT
SERVICES MANAGEMENT

RELATED PROCEEDINGS APPENDIX

None.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☒ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☐ **FADED TEXT OR DRAWING**

☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.